

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Jonathan Charles Irizarry

Docket No. 7:16-CR-20-1BO

Petition for Action on Probation

COMES NOW Kristyn Super, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jonathan Charles Irizarry, who, upon an earlier plea of guilty to Possession of a Firearm by a Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on January 19, 2017, to 60 months probation under the conditions adopted by the court.

On January 26, 2017, a Petition for Action on Probation was submitted to the court requesting that the conditions of probation be modified to include participation in mental health treatment.

On February 13, 2017, a Violation Report was submitted to the court reporting that the defendant tested positive for marijuana. As the defendant had recently begun participating in counseling sessions, it was recommended, and the court agreed, to allow supervision to continue.

On February 24, 2017, a Petition for Action on Probation was submitted to the court requesting that the conditions of probation be modified to allow him to begin his community service hours during his period of home confinement.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On March 27, 2017, Irizarry submitted to a urinalysis screening, which was confirmed as positive for marijuana by Alere Laboratories on April 4, 2017. The defendant was confronted with the results of this screening and admitted to smoking marijuana as a way of managing stress. Irizarry is participating in mental health treatment and this officer will discuss this conduct with his counselor. As a sanction for the violation conduct, it is respectfully recommended that the conditions of probation be modified to include participation in the DROPS Program, beginning at the second use level, and that he be confined to the Bureau of Prisons for two days.

The defendant has signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detective illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use – Two days; Second Use – Five days; Third Use – Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Kristyn Super
Kristyn Super
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-346-5104
Executed On: May 2, 2017

ORDER OF THE COURT

Considered and ordered this 2 day of May, 2017, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge